

BILL # SB 1444

TITLE: ~~failure to register; presumptive behavior~~
Now: sentencing; third felony offenses

SPONSOR: Verschoor

STATUS: House Engrossed

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FISCAL ANALYSIS

Description

Under SB 1444 defendants who are convicted of a third violent or aggravated felony would be sentenced to life in prison and may be eligible for commutation after serving a minimum term of thirty-five years. With SB 1444, each of the three violent offense convictions must occur on a separate occasion during 15 years of non-prison time. The 15 years excludes any time spent in custody, on probation or while absconding.

Estimated Impact

The bill is estimated to increase General Fund costs for the Arizona Department of Corrections (ADC) due to the lengthening of some inmates' sentences. The cost impact will most likely not occur for an estimated 15 years, which is the current average time served for the third violent or aggravated offenses. If a violent offender were sentenced in FY 2007 of their third violent offense, that offender would be required to serve a minimum sentence of 35 years under SB 1444, as compared to an average of 15 years under current law. Costs would begin to accumulate during the estimated 20 years of newly required prison time.

ADC estimates that at least 41 offenders entered the prison system in FY 2005 with a third violent offense that would qualify under SB 1444. If SB 1444 had been enacted at that time, the 41 would have started serving a longer sentence in 15 years (which is the current average sentence of third time violent offenders). Based on an average increase of 41 new third-time offenders each year, ADC costs would increase by at least \$144,800 in FY 2007 dollars each year, as a minimum cost, beginning in FY 2022. This estimate does not reflect any increase in inmate per diem costs or population growth over subsequent years and does not reflect possible capital costs.

Analysis

The cost of SB 1444, beginning in FY 2022, would depend primarily on two factors:

- 1) The number of inmates sentenced to longer terms of commitment due to the bill.
- 2) Whether additional funding is provided to acquire additional space for SB 1444 inmates or the department is required to absorb the inmates within their existing prison bed capacity.

In addition to the number of inmates, the cost will depend on whether the state funds additional prison beds. The annual operating cost per inmate will be approximately \$20,500 in FY 2007 dollars. Traditionally, however, the department has received approximately \$3,500 for each additional inmate as it better reflects the marginal operating cost.

ADC currently estimates that in FY 2005, 41 third time violent offenders would have been subject to SB 1444. If, in FY 2022, 41 of the 1,000 to 1,500 annual violent repeat offenders were affected by this legislation and would begin serving an extended sentence, the department would incur \$144,800 in new marginal operating costs at \$3,500 per inmate each year. This estimate excludes any capital construction costs.

Local Government Impact

An increase in court costs may occur and will depend upon whether violent offenders affected by SB 1444 choose trial at higher rate.